HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
And
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

W.P. NO.11372 OF 2006

Between:
A.P. Pollution Control Board

.....Petitioner

AND

M/s. Jawahar Enterprise and others

.....Respondents

::JUDGMENT::

Counsel for the Petitioner : Sri S.V.Bhatt

Counsel for Respondent No.1 : Sri J.M.Naidu

Counsel for Respondent No. 2 : Sri K.Mohanrami Reddy for

Sri M.Sreeramula Reddy

Counsel for Respondent No. 3 : None

Counsel for Respondent No.4 : Government Pleader for

Forests.

Dated 30/6/2006

Per Sri G.S.Singhvi, CJ

This petition is directed against orders dated 16.5.2006 passed by the Appellate Authority constituted under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 while confirming the closure order passed by the Andhra Pradesh Pollution Control Board (for short 'the Board') gave liberty to respondent No.1 to operate the industry for a period of three months.

Learned counsel for Respondent No.1 stated that his client has already closed down the industry. At the same time, he made a request that the Court may allow his client to utilize the land for non-polluting purposes. Another request made by the learned counsel is to direct the State Government to consider the application, which may be made by his client for allotment of alternative site for setting up industrial unit.

Sri SV Bhatt, learned counsel for the petitioners says that he is not in a position to controvert the statement made on behalf of respondent No.1 on the issue of actual closure of the industry.

The learned Government Pleader appearing for the State says that as and when respondent No.1 makes an application for allotment of alternative site, the same would be considered and decided in accordance with the policy of the Government.

In view of the statements made by learned counsel for the parties and particularly the statement of learned counsel for respondent No.1 that his client has closed down the industry, the writ petition is disposed of as infructuous subject to the observation that respondent No.1 shall be free to make an application to the Board for permission to lift the finished products. Such an application should be disposed of by the competent authority of the Board within seven days and two

months time be allowed to respondent No.1 to lift the stocks subject to an undertaking being furnished that the industry shall not be operated during that period.

Respondent No.1 is also given liberty to make an application to the State Government for allotment of alternative site and also to utilize the land for non-polluting purposes. Such application shall be dealt with and decided by the competent authority as early as possible, but latest within a period of three months of its receipt. However, it is made clear that this direction shall not be construed as a mandate of the Court for allotment of site to respondent No.1
de hors the policy of the Government.

It is also made clear that if respondent No.1 or any of its functionaries violate the statement made by its advocate on the issue of closure of industry, the Board shall be obliged to file an application for initiation of proceedings under the Contempt of Courts Act, 1971.

G.S.SINGHVI, CJ

Dt.30.6.2006

G.V.SEETHAPATHY, J

svs